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FILED DISTRICT COURT OF GUAM

DEC -6 2004

MARY L. M. MORAN CLERK OF COURT

## IN THE DISTRICT COURT OF GUAM

| LOURDES P. AGUON-SCHULTE,   | CIVIL CASE NO. 04-00045 ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( (   |
|---|---|
| Plaintiff, ) vs. )  |   |
| THE GUAM ELECTION COMMISSION, ) et al., ) Defendants. )   |   |
| JAY MERRILL, on his own behalf and on behalf of all other similarly situated voters desirous of casting a vote in favor of Proposal A at a fair and legal election,   | CIVIL CASE NO. 04-00046   |
| Plaintiffs, vs. ) THE GUAM ELECTION COMMISSION; GERALD A. TAITANO, in his capacity as the Executive Director of THE GUAM ELECTION COMMISSION, I MINA' BENTE SIETE NA LIHESLATURAN GUAHAN (The 27 <sup>th</sup> Guam Legislature); FELIX P. CAMACHO, in his official capacity as the GOVERNOR OF GUAM. ) | NOTICE OF DISMISSAL WITHOUT<br>PREJUDICE AS TO I MINA' BENTE<br>SIETE NA LIHESLATURAN GUAHAN<br>(The 27 <sup>th</sup> Guam Legislature)<br>[Fed.R.Civ.P. 41(a)(1)(i)] |
| Defendants.   |   |

Plaintiffs hereby dismiss their claims against Defendant I Mina' Bente Siete Na Liheslaturan Guahan (The 27<sup>th</sup> Guam Legislature), without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(i).

Notice Of Dismissal Without Prejudice As To I Mina' Bente Siete Na Liheslaturan Guahan (The 27<sup>th</sup> Guam Legislature) [Fed.R.Civ.P. 41(A)(1)(I)] Aguon-Schulte v. Guam Election Commission, et al. Merrill, etc., et al. v. Guam Election Commission, et al. Civil Case No. 04-00046 Page 2

This notice of dismissal shall not affect Plaintiffs' claims against any other named Defendant.

DOOLEY ROBERTS & FOWLER LLP

Dated: 12/6/04

THOMAS L. ROBERTS
Attorneys for Plaintiffs

 Notice Of Dismissal Without Prejudice As To I Mina' Bente Siete Na Liheslaturan Guahan (The 27<sup>th</sup> Guam Legislature) [Fed.R.Civ.P. 41(A)(1)(I)] Aguon-Schulte v. Guam Election Commission, et al. Merrill, etc., et al. v. Guam Election Commission, et al. Civil Case No. 04-00046 Page 3

## **CERTIFICATE OF SERVICE**

I, **THOMAS L. ROBERTS**, hereby declare that on December 6th, 2004, I caused a copy of Plaintiffs' Notice of Dismissal Without Prejudice as to I Mina' Bente Siete Na Liheslaturan Guahan (The 27<sup>th</sup> Guam Legislature) [Fed.R.Civ.P. 41(a)(1)(i)] to be served upon the following:

Cesar C. Cabot, Esq. 2<sup>nd</sup> Floor, BankPacific Building 825 South Marine Corps Drive Tamuning, Guam 96913

Therese M. Terlaje, Esq. Post Office Box 864 Hagatna, Guam 96932

Shannon J. Taitano, Esq. Office of the Governor Post Office Box 2674 Hagatna, Guam 96932

Calvo & Clark 655 South Marine Corps Drive Tamuning, Guam 96913

Office of the Attorney General Suite 2-200E, Guam Judicial Center 120 West O'Brien Drive Hagåtña, Guam 96910

Dated this 6<sup>th</sup> day of December 2004.

THOMAS L. ROBERTS